

PAPERWORK REDUCTION ACT SUBMISSION

Please read the instructions before completing this form. For additional forms or assistance in completing this form, contact your agency's Paperwork Clearance Officer. Send two copies of this form, the collection instrument to be reviewed, the supporting statement, and any additional documentation to: Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503.

1. Agency/Subagency originating request	2. OMB control number b. <input type="checkbox"/> None a. _____ - _____
3. Type of information collection (<i>check one</i>) a. <input type="checkbox"/> New Collection b. <input type="checkbox"/> Revision of a currently approved collection c. <input type="checkbox"/> Extension of a currently approved collection d. <input type="checkbox"/> Reinstatement, without change, of a previously approved collection for which approval has expired e. <input type="checkbox"/> Reinstatement, with change, of a previously approved collection for which approval has expired f. <input type="checkbox"/> Existing collection in use without an OMB control number For b-f, note Item A2 of Supporting Statement instructions	4. Type of review requested (<i>check one</i>) a. <input type="checkbox"/> Regular submission b. <input type="checkbox"/> Emergency - Approval requested by ____ / ____ / ____ c. <input type="checkbox"/> Delegated 5. Small entities Will this information collection have a significant economic impact on a substantial number of small entities? <input type="checkbox"/> Yes <input type="checkbox"/> No 6. Requested expiration date a. <input type="checkbox"/> Three years from approval date b. <input type="checkbox"/> Other Specify: ____ / ____
7. Title	
8. Agency form number(s) (<i>if applicable</i>)	
9. Keywords	
10. Abstract	
11. Affected public (<i>Mark primary with "P" and all others that apply with "x"</i>) a. <input type="checkbox"/> Individuals or households d. <input type="checkbox"/> Farms b. <input type="checkbox"/> Business or other for-profit e. <input type="checkbox"/> Federal Government c. <input type="checkbox"/> Not-for-profit institutions f. <input type="checkbox"/> State, Local or Tribal Government	12. Obligation to respond (<i>check one</i>) a. <input type="checkbox"/> Voluntary b. <input type="checkbox"/> Required to obtain or retain benefits c. <input type="checkbox"/> Mandatory
13. Annual recordkeeping and reporting burden a. Number of respondents _____ b. Total annual responses _____ 1. Percentage of these responses collected electronically _____ % c. Total annual hours requested _____ d. Current OMB inventory _____ e. Difference _____ f. Explanation of difference 1. Program change _____ 2. Adjustment _____	14. Annual reporting and recordkeeping cost burden (<i>in thousands of dollars</i>) a. Total annualized capital/startup costs _____ b. Total annual costs (O&M) _____ c. Total annualized cost requested _____ d. Current OMB inventory _____ e. Difference _____ f. Explanation of difference 1. Program change _____ 2. Adjustment _____
15. Purpose of information collection (<i>Mark primary with "P" and all others that apply with "X"</i>) a. <input type="checkbox"/> Application for benefits e. <input type="checkbox"/> Program planning or management b. <input type="checkbox"/> Program evaluation f. <input type="checkbox"/> Research c. <input type="checkbox"/> General purpose statistics g. <input type="checkbox"/> Regulatory or compliance d. <input type="checkbox"/> Audit	16. Frequency of recordkeeping or reporting (<i>check all that apply</i>) a. <input type="checkbox"/> Recordkeeping b. <input type="checkbox"/> Third party disclosure c. <input type="checkbox"/> Reporting 1. <input type="checkbox"/> On occasion 2. <input type="checkbox"/> Weekly 3. <input type="checkbox"/> Monthly 4. <input type="checkbox"/> Quarterly 5. <input type="checkbox"/> Semi-annually 6. <input type="checkbox"/> Annually 7. <input type="checkbox"/> Biennially 8. <input type="checkbox"/> Other (describe) _____
17. Statistical methods Does this information collection employ statistical methods <input type="checkbox"/> Yes <input type="checkbox"/> No	18. Agency Contact (person who can best answer questions regarding the content of this submission) Name: _____ Phone: _____

19. Certification for Paperwork Reduction Act Submissions

On behalf of this Federal Agency, I certify that the collection of information encompassed by this request complies with 5 CFR 1320.9

NOTE: The text of 5 CFR 1320.9, and the related provisions of 5 CFR 1320.8(b)(3), appear at the end of the instructions. *The certification is to be made with reference to those regulatory provisions as set forth in the instructions.*

The following is a summary of the topics, regarding the proposed collection of information, that the certification covers:

- (a) It is necessary for the proper performance of agency functions;
- (b) It avoids unnecessary duplication;
- (c) It reduces burden on small entities;
- (d) It used plain, coherent, and unambiguous terminology that is understandable to respondents;
- (e) Its implementation will be consistent and compatible with current reporting and recordkeeping practices;
- (f) It indicates the retention period for recordkeeping requirements;
- (g) It informs respondents of the information called for under 5 CFR 1320.8(b)(3):
 - (i) Why the information is being collected;
 - (ii) Use of information;
 - (iii) Burden estimate;
 - (iv) Nature of response (voluntary, required for a benefit, mandatory);
 - (v) Nature and extent of confidentiality; and
 - (vi) Need to display currently valid OMB control number;
- (h) It was developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to be collected (see note in Item 19 of instructions);
- (i) It uses effective and efficient statistical survey methodology; and
- (j) It makes appropriate use of information technology.

If you are unable to certify compliance with any of the provisions, identify the item below and explain the reason in Item 18 of the Supporting Statement.

Signature of Senior Official or designee

Date

Agency Certification (signature of Assistant Administrator or head of MB staff for L.O.s, or of the Director of a Program or Staff Office)	
Signature	Date
Signature of NOAA Clearance Officer	
Signature	Date

**SUPPORTING STATEMENT FOR THE
MORTALITY/INJURY REPORTING FORM REQUIREMENTS
FOR COMMERCIAL FISHERIES
UNDER SECTION 118 OF
THE MARINE MAMMAL PROTECTION ACT**

A. Justification:

1. Explain why you need to conduct the information collection.

The Marine Mammal Protection Act (16 U.S.C. 1361 et seq.; MMPA or the Act) mandates the protection and conservation of marine mammals and makes the killing or serious injury of marine mammals, except under permit or authorization, a violation of the Act. An authorization for commercial fisheries is provided under section 118 of the MMPA provided fishers apply for, and receive general permits and individual certificates of inclusion. The fishing vessel engaged in any fishery identified by NMFS as having either a frequent (Category I) or an occasional (Category II) taking of a marine mammal is to register with the Secretary in order to obtain an authorization to the prohibition on taking marine mammals and to be legally operating in that fishery. Fishers operating in fisheries identified by NMFS as having only a remote chance (Category III) to take marine mammals need not apply. The PRA submission for the registration of fishers is approved under OMB 0648-0293.

The owner or operator of a commercial fishing vessel, regardless of the classification of the fishery, is required under the Act to report all incidental mortality and serious injury of marine mammals in the course of commercial fishing operations. Supplying the information is mandated under Section 118(e) of the MMPA and is needed by NMFS to determine the correct category placement for fisheries.

2. Explain how, by whom, how frequently, and for what purpose the information will be used.

Reports. The information supplied by the holder of a commercial fisheries (Category I or II fishery) as well as by Category III fisheries is mandated by Section 118(e) of the MMPA and is needed by the agency to determine the correct category placement of fisheries. The MMPA states:

The owner or operator of a commercial fishing vessel subject to the Act shall report all incidental mortality and serious injury of marine mammals in the course of commercial fishing operations to the Secretary by mail or other means acceptable to the Secretary within 48 hours after the end of each fishing trip on a standard postage-paid form to be developed by the Secretary under this section. Such form shall be capable of being readily entered into and usable by an

automated or computerized data processing system and shall require the vessel owner or operator to provide the following:

- a. The vessel name, and Federal States, or tribal registration numbers of the registered vessel.
- b. The name and address of the vessel owner or operator.
- c. The name and description of the fishery.
- d. The species of each marine mammal incidentally killed or injured, and the date, time, and geographic location of such occurrence.

NMFS has received mortality and serious injury reports provided during 1996, 1997, 1998, and 1999 as well as additional information available on the taking of marine mammals. Based on these reports and available scientific information, NMFS has classified or reclassified fisheries as Category I, II, or III. Regardless of the classification of the fishery, all reports of mortality and serious injury of marine mammals must be submitted to NMFS.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological techniques or other forms of information technology, and the basis for the decision for adopting this means of collection.

The Act requires that all reports of incidental mortality and serious injury be submitted to the Secretary by mail on the postage paid form or other means acceptable within 48 hours after the end of each fishing trip. Such forms are capable of being readily entered into and usable by an automated or computerized data processing system. The legislative history of the amendments indicates that Congress intended for the report forms to be machine-readable for use in a computerized data system.

4. Describe your efforts to identify duplication with other collections, which may be gathering the same or similar information.

NMFS has joint authority with the U.S. Fish and Wildlife Service (USFWS), Department of the Interior, to manage marine mammals. The U.S. Department of the Interior has not been authorized by statute to promulgate regulations on this matter, therefore, USFWS has not established its own registration and reporting system for authorization on its marine mammal species but cooperates with NMFS in establishing a single registration and reporting system. NMFS continues to consult with the USFWS on this matter and a USFWS staff person has attended task force meetings with NMFS. NMFS remains responsible for the information collection process, distributing authorizations, and maintaining the marine mammal reporting system.

While existing information will be used to the extent possible during the registration and review process, the newly identified fishermen in Category I or II fisheries are required to submit an application to obtain an authorization. Category I and II fisheries, as well as

Category III fisheries, are required to submit reports on the lethal take and serious injury of marine mammals.

5. If the collection will have a significant impact on small entities such as small businesses, organizations, or government bodies (see the instruction above for Item 5 of the OMB 83-I), describe the methods used to minimize the burden on them.

This collection will not have a significant impact on small entities. The MMPA Amendments instructs the Secretary to develop a standard postage-paid reporting form capable of being readily entered into and usable by an automated or computerized data processing system. This postage-paid form requires less than 15 minutes to complete and can be dropped in any mailbox within 48 hours of the vessel's return to port. There is no cost or significant investment of time required to fulfill the reporting requirement.

6. Describe the consequences to Federal program or policy activities if the collection would not be conducted or would be conducted less frequently.

Reports of lethal take or serious injury within 48 hours of the end of the fishing trip are mandated by statute. Without reports of mortality or serious injury, NMFS would be unable to implement the statutory mandate to assess the impact of U.S. commercial fisheries on marine mammal populations and stocks.

7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with the OMB guidelines (see Attachment 3).

The collection is consistent with 5 CFR 1320.6.

8. If applicable, provide a copy of the PRA Federal Register notice that solicited public comments on the information collection prior to this submission. Describe your efforts to consult with persons outside the agency to obtain their views on the availability of data, the frequency of collection, the clarity of instructions, the amount of burden to be imposed, and ways to minimize the burden.

The PRA Federal Register notice (64 FR 37750) was published on July 13, 1999, requesting comments on the reporting form. To date no comments have been received.

The MMPA amendments which these regulations address were designed by a coalition of conservation groups, fishing industry, and Congressional staff in response to fishers requests that logbooks no longer be required. The old logbook reporting system was replaced by reporting only when a mortality or serious injury occurs. This results in a lesser burden to fishers. Fishing industry representatives testify that this procedure was acceptable to most fishers and that they would submit acceptable data.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

There is no provision to provide any payment or gift to respondents.

10. Describe any assurance of confidentiality provided to respondents and the basis for this assurance in statute, regulation, or agency policy.

The MMPA amendments mandate that information submitted be made available to the general public only in aggregate form.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, or other matters that are commonly considered private.

No sensitive questions are asked.

12. Provide an estimate in hours of the burden of the collection of information.

NMFS has estimated that the total mortality and injury of marine mammals as a result of U.S. commercial fishing activity is 10,000 per year. If all incidents are reported the total number of respondents will be 10,000. Average response time to complete the report form is 0.15 hours. Therefore, estimated total annual hours requested is $10,000 \times 0.15$ hours = 7,050 hours. Only one postage-paid reporting form is required.

13. Provide an estimate of the total annual cost burden to the respondents or recordkeepers resulting from the collection.

There are no expected costs to respondents to complete the postage-paid reporting form.

14. Provide estimates of annualized cost to the Federal government.

Costs: Materials – Reporting forms	$23,500 \times 0.07/\text{pg}$	=	1,645
Postage -- Reports	$23,500 \times 0.33(\text{postage})$	=	<u>7,755</u>
			\$9,400

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB 83-I.

The changes in Item 13 of the OMB 83-I is due to a reinstatement of an expired approval.

16. For collections whose results will be published, outline the plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide a time schedule for the collection, publication, and other actions.

The results of this collection are not for publications.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons why display would be inappropriate.

NMFS is not requesting approval to not display the expiration.

18. Explain each exception to the certification statement identified in Item 19 of the OMB 83-I

No exception requested.

MARINE MAMMAL AUTHORIZATION PROGRAM

MORTALITY/INJURY REPORTING FORM

National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910

April 2000

INSTRUCTIONS FOR COMPLETING THE MORTALITY/INJURY REPORTING FORM

This reporting form is required **ONLY WHEN** there is an incidental mortality or injury to a marine mammal during commercial fishing activities. You are required to report the incidental mortality or injury within 48 hours after the end of the fishing trip, or, for non-vessel fisheries, within 48 hours of an occurrence of an incidental mortality or injury. A separate report form is required for each fishery, for each date, and for each location. A COMPUTER WILL ELECTRONICALLY SCAN THIS FORM. PLEASE PRINT NEATLY AND IN CAPITAL LETTERS.

The reporting form should be detached from this instruction sheet, folded, and sealed prior to mailing. No postage is necessary for mailing. Forms may also be faxed to NMFS at (301) 713-4060 or (301) 713-0376. Questions regarding completion of this form, and requests for additional forms, may be directed to the NMFS Office of Protected Resources (F/PR2), 1315 East-West Hwy., Silver Spring, MD 20910-3226, (301) 713-2322.

MORTALITY/INJURY REPORT FIELD DEFINITIONS

- 1 - LAST NAME:** Enter the last name of the operator of the vessel.
- 2 - FIRST NAME:** Enter the first name of the operator of the vessel.
- 3 - MI:** Enter the middle initial of the operator of the vessel.
- 4 - ADDRESS:** Enter the street address or P.O. Box number of the operator of the vessel.
- 5 - CITY:** Enter the city name of the operator of the vessel.
- 6 - STATE:** Enter the 2-digit state code of the operator of the vessel.
- 7 - ZIP:** Enter the zip code of the operator of the vessel.
- 8 - VESSEL NAME:** Enter the name of the vessel as it is identified for commercial fishing operations. For non-vessel fisheries, leave this blank.
- 9 - COAST GUARD DOCUMENT NO.:** Enter the vessel's Coast Guard Documentation number; OR Enter the **VESSEL'S STATE REGISTRATION NO.:** One of these numbers must be provided. For non-vessel fisheries, enter the state fishery permit number.
- 10 - STATE COMMERCIAL VESSEL LICENSE NO.:** Enter the vessel's state commercial vessel license number, if applicable.
- 11 - FISHERY IDENTIFICATION NO.:** (Category I or Category II fisheries) Enter the NMFS fishery I.D. number (indicated on the vessel's MMAP authorization certificate) for the fishery in which this incident occurred. If the fishery ID number is unknown, or the vessel is not registered under the MMAP, fill in gear type and target species under item 12.
- 12 - GEAR TYPE AND TARGET SPECIES:** (Category III fisheries) Enter the type of fishing gear used and the target species being fished when this incident occurred.
- 13 - DATE OF MORTALITY/INJURY:** Enter the date the mortality/injury occurred. For example: June 1, 1996 is entered as 06/01/96.
- 14 - TIME OF MORTALITY/INJURY:** Enter the approximate time of day the mortality/injury occurred. Indicate AM if the mortality/injury occurred between midnight & noon, or PM if the mortality/injury occurred between noon and midnight.
- 15 - LOCATION OF MORTALITY/INJURY LATITUDE & LONGITUDE:** Use standard entries in degrees and minutes.
- 16 - TYPE OF INTERACTION:** Enter whether this incident was incidental or intentional.
- 17 - SPECIES INCIDENTALLY KILLED OR INJURED:** Enter the species code and the mortality/injury code of the animal(s) involved. (Refer to the species and mortality/injury code lists included on page 2 of these instructions.) Enter the number of animals involved in each mortality/injury. You may enter up to three(3) injury codes per species. Make as many entries as apply to the date, time, and location entered in items 13-15.
- 18 - DESCRIPTION OF UNKNOWN SPECIES:** If you have entered a species code for an unidentified species, please provide a detailed description of the animal involved, including color patterns, length, and body shape (drawings are helpful). State whether the animal involved was a cetacean (whale, dolphin, or porpoise), pinniped (seal or sea lion), walrus, manatee or sea otter. You may also use this space for other comments regarding this incident.

MARINE MAMMAL AUTHORIZATION PROGRAM

MORTALITY/INJURY REPORTING FORM

National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910

April 2000

SPECIES AND STOCK CODES FOR MARINE MAMMALS OCCURRING IN U.S. WATERS

Pinnipeds (seals and sea lions)

105- Northern (Pribilof) fur seal
100- Steller (northern) sea lion
101- California sea lion
203- Unidentified sea lion
115- Harbor seal
117- Ringed seal
121- Ribbon seal
116- Spotted seal
129- Northern elephant seal
124- Grey seal
127- Hawaiian monk seal
204- Unidentified seal

Small Cetaceans (dolphins and porpoises)

068- Harbor porpoise
072- Dall's porpoise
053- Common dolphin (saddleback)
049- Pacific white-sided dolphin
047- Atlantic white-sided dolphin
054- Bottlenose dolphin
055- Grampus (Risso's) dolphin
060- Spinner dolphin
061- Striped dolphin, streaker
058- Spotted dolphin
235- Unidentified small cetacean (porpoise or dolphin)

Large Cetaceans (toothed whales and baleen whales)

221- Pilot whale
038- False killer whale
016- Beluga whale
039- Killer whale
230- Beaked whale
012- Sperm whale
220- Unidentified toothed whale
010- Minke whale
002- Northern right whale
005- Gray whale
011- Humpback whale
007- Fin whale, Finback
210- Unidentified baleen whale

Other Marine Mammals

135- Sea otter

139- Manatee

114- Walrus

MORTALITY/INJURY CODES FOR MARINE MAMMALS

01 - visible blood flow	08- listlessness or inability to defend
02- loss of/damage to appendage/jaw	09- inability to swim or dive
03- inability to use appendage(s)	10- equilibrium imbalance
04- asymmetry in shape of body or body position	11- ingestion of gear
05- any noticeable swelling or hemorrhage (bruising)	12- released trailing gear/gear perforating body
06- laceration (deep cut)	13- other wound or injury
07- rupture or puncture of eyeball	14- killed

COLLECTION MANDATE

This collection of information is mandated by the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et. seq.*), and by implementing regulations contained at 50 CFR 229.4. The information supplied on this form will be used by the National Marine Fisheries Service to estimate levels of incidental mortalities and injuries in U.S. commercial fisheries. Certain information supplied on this form may be considered proprietary and therefore subject to data confidentiality restrictions of 50 CFR Part 229.11.

Public reporting burden for this collection of information is estimated to average 0.15 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Director, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Hwy., Silver Spring, MD 20910-3226.

The National Marine Fisheries Service may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a current and valid OMB control number. The OMB control number for this form is 0648-0292, which expires on 12/31/99.

Seal Here - Do not staple



MARINE MAMMAL AUTHORIZATION PROGRAM

The 1994 Amendments to the Marine Mammal Protection Act: Requirements for Commercial Fishers

National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910

June, 1998

Under the 1994 Amendments to the Marine Mammal Protection Act (MMPA), there have been a number of changes in the regulations governing the incidental taking of marine mammals in the course of commercial fishing operations, such as:

- seven-year goal for reducing incidental serious injury and mortality of marine mammals to insignificant levels approaching a zero mortality and serious injury rate
- simplified registration process for certain fisheries
- new criteria for Category I, II, and III fisheries
- reporting only when a marine mammal has been injured or killed
- prohibition against intentionally lethally taking marine mammals
- mechanism for issuing permits to incidentally take endangered and threatened marine mammals
- authority to place observers on vessels in any Category I or II fishery
- establishment of take reduction teams and development of take reduction plans for certain fisheries

The purpose of the Marine Mammal Authorization Program (MMAP) is to provide an exemption for commercial fishers from the general taking prohibitions of the MMPA. This program replaces the Interim Exemption for Commercial Fishing, in effect from 1989 to August 1995. Information on marine mammal interactions with commercial fishers collected under this program, as well as other sources, will provide the basis for determining whether the incidental serious injury and mortality of marine mammals in commercial fishing operations has been reduced to insignificant levels approaching a zero mortality and serious injury rate by April 30, 2001.

WHO NEEDS TO REGISTER?

As of March 1, 1996, the owner of a vessel or non-vessel gear engaging in a Category I or II fishery must obtain a marine mammal authorization from the National Marine Fisheries Service (NMFS), or its designated agent, in order to lawfully incidentally take a marine mammal in a commercial fishery. The fee for obtaining a new or renewed authorization each year is \$25, unless otherwise specified in the list of fisheries published annually by NMFS. Upon receipt of a completed registration, vessel owners will be issued a decal to display on their vessel,

and an authorization certificate to be in the possession of the operator while fishing. Owners of vessels or non-vessel gear in Category III fisheries may incidentally take marine mammals without registering for or receiving an authorization.

WHAT IS A CATEGORY I, II, OR III FISHERY?

The MMPA requires all commercial fisheries to be placed in one of three categories, based on the relative frequency of incidental serious injuries and mortalities of marine mammals in each fishery. Category I designates fisheries with frequent serious injuries and mortalities incidental to commercial fishing; Category II designates fisheries with occasional serious injuries and mortalities; Category III designates fisheries with a remote likelihood or no known serious injuries or mortalities. Regulations to implement the 1994 amendments to the MMPA established new criteria for defining "frequent," "occasional," and "remote likelihood," based on the impact of fishery-related serious injuries and mortalities on each marine mammal stock. Every year, NMFS reviews and revises its list of Category I, II, and III fisheries based on new information. Consequently, the requirement to register with NMFS may change from one year to the next. Changes to the list of fisheries will be broadly publicized each year.

HOW ARE MARINE MAMMAL AUTHORIZATIONS OBTAINED?

NMFS, or its designated agent, makes every effort to mail all vessel owners that may participate in Category I or II fisheries a registration or renewal package by January 1 of each year. NMFS recommends that completed registration forms be submitted at least 30 days in advance of fishing. Vessel owners must have a valid authorization certificate in hand before resumption of fishing each calendar year. In certain fisheries, registration for a marine mammal authorization may be coordinated with existing state or Federal fishery or vessel permit or licensing programs. If applicable, vessel owners will be notified of this simplified registration process when they apply for their state or Federal permit or license. As of 1998, this simplified registration process will be in place for vessel owners participating in Washington Oregon and Alaska, the Gulf of Maine, U.S.

Mid-Atlantic Lobster trap/pot fishery, the Atlantic squid, mackerel, butterfish, and the NE multi-species sink gillnet fisheries (see insert). NMFS hopes to have this form of “one-stop-permitting” available to all vessel owners in the future.

ARE LOGBOOKS STILL REQUIRED?

The MMPA no longer requires vessel owners to submit marine mammal logbooks detailing each day’s fishing activity. However, all vessel owners or operators, regardless of the category of fishery they participate in, must report all incidental injuries and mortalities of marine mammals that have occurred as a result of commercial fishing operations. Reports must be sent to NMFS, by mail or fax, within 48 hours of the end of a fishing trip in which the serious injury or mortality occurred, or, for non-vessel fisheries, within 48 hours of the occurrence.

NMFS will provide postage-paid reporting forms to Category I and II vessel owners with their new or renewed authorization certificates each year. NMFS will also provide major ports and marinas with a supply of postage-paid reporting forms in the near future. Failure to report all incidental injuries and mortalities within 48 hours of the end of each fishing trip (or within 48 hours of an occurrence of an incidental injury or mortality in a non-vessel fishery) will subject such persons to suspension, revocation, or denial of a marine mammal authorization.

NMFS has defined a marine mammal injury as a wound or other physical harm. Signs of injury may include, but are not limited to:

- visible blood flow
- loss of or damage to an appendage or jaw
- inability to use one or more appendages
- asymmetry in the shape of the body or body position
- noticeable swelling or hemorrhage
- laceration, puncture or rupture of eyeball
- listless appearance or inability to defend itself
- inability to swim or dive upon release from fishing gear
- signs of equilibrium imbalance

Any animal that ingests fishing gear, or any animal that is released with fishing gear entangling, trailing, or perforating any part of the body will be considered injured regardless of the absence of any wound or other evidence of injury.

CAN MARINE MAMMALS BE DETERRED FROM FISHING GEAR AND CATCH?

Vessel owners are strictly prohibited from intentionally lethally taking marine mammals in the course of commercial fishing operations. An exception is provided for an intentional lethal take imminently necessary in self-defense or to save the life of another person. If a marine mammal is killed in self-defense or to save the life of another person, a report must be filed with NMFS within 48 hours of the end of the fishing trip or, for non-vessel fisheries, within 48 hours of the mortality.

NMFS will be publishing guidelines for the safe deterrence of marine mammals. They will include the following:

- passive deterrence measures, such as nets, fences, or other types of physical barriers, provided the potential for marine mammal entanglement is not increased
- active deterrence measures, such as mechanical or electrical noisemakers, water sprayed from a hose, blunt objects to prod animals, large shielding objects (wood, metal, or fabric) to herd animals, and hazing actions by boat operators.

Deterrence measures should not separate a female and her offspring; break the skin of an animal; result in dislocation of or fracture of bones, limbs, or other appendages; be directed at the head or eyes of an animal; or be used on seals and sea lions hauled out on unimproved private property.

IS IT LEGAL TO TAKE ENDANGERED OR THREATENED MARINE MAMMALS?

NMFS must issue permits for the incidental, but not intentional, taking of marine mammals listed as endangered or threatened under the Endangered Species Act (ESA), if NMFS determines that:

- incidental mortality and serious injury due to commercial fishing will have a negligible impact on the affected species or stock,
- a recovery plan for that species or stock has been developed or is being developed, and
- where required under section 118, a monitoring program has been established, vessels are registered, and a take reduction plan has been developed or is being developed.

NMFS is currently revising its 3-year permits only to participants in fisheries that interact with stocks for which the above criteria have been met.

HOW WILL THE DEVELOPMENT OF TAKE REDUCTION PLANS AFFECT FISHING ACTIVITY?

Take reduction teams are currently being formed and convened with the purpose of developing take reduction plans to assist in the recovery or to prevent the depletion of strategic stocks that interact with Category I and II fisheries. A strategic stock is one which:

- is listed as endangered or threatened under the ESA
- is declining and likely to be listed as threatened under the ESA
- is listed as depleted under the MMPA
- has direct human-caused mortality which exceeds the stock's Potential Biological Removal (PBR) level.
- is listed as endangered or threatened under the ESA
- is declining and likely to be listed as threatened under the ESA
- is listed as depleted under the MMPA
- has direct human-caused mortality which exceeds the stock's Potential Biological Removal (PBR) level.

The PBR for a marine mammal stock is the maximum number of animals, not including natural mortalities, that may be removed from that stock, while allowing the stock to reach or maintain its optimum sustainable population.

The immediate goal of take reduction plans is to reduce, within six months of its implementation, the incidental serious injury or mortality of marine mammals from commercial fishing to levels less than PBR. The long-term goal is to reduce, within five years of its implementation, the incidental serious injury and mortality of marine mammals from commercial fishing operations to insignificant levels approaching zero serious injury and

mortality rate, taking into account the economics of the fishery, the availability of existing technology, and existing state or regional fishery management plans. Take reductions teams will consist of a balance of representatives of the fishing industry and non-resource user interests.

To date, five TRT's have been established. Meetings of each TRT are being professionally facilitated and are open to the public.

WHICH FISHERIES WILL CARRY OBSERVERS?

The MMPA provides NMFS with the authority to place observers on any Category I or II vessel. The purpose of observer programs is to:

- obtain reliable estimates of incidental serious injury and mortality of marine mammals
- determine the reliability of reports submitted by vessel owners and operators
- identify changes in fishing methods or technology that may increase or decrease incidental serious injury or mortality.

Fishing industry representatives will be notified and public meetings held whenever possible to provide advance notification to a fishery that observers will be required. Vessels that are notified of their requirement to carry an observer must comply with regulations regarding advance notification of anticipated fishing activity, cooperation with the observer in the performance of the observer's duties, and, when feasible, the collection and retention of marine mammals incidentally killed. Statutory changes in the 1994 amendments to the MMPA no longer exempt fishers from civil actions if an observer is ill, disabled, injured, or killed in the course of service. Vessel owners may wish to consider liability insurance to protect themselves if an accident occurs.

For more information, or to obtain marine mammal registration or reporting forms, contact your nearest NMFS office:

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For more information about any of these programs, see our Web page
at: <http://www.nmfs.gov/tmcintyr/mammals/mmap.html>